

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2568

To enhance the management of public lands, reduce Federal expenditures associated with such lands, and empower States with respect to the ownership and control over lands that are or have been part of the public domain, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 1 (legislative day, SEPTEMBER 12), 1994

Mr. WALLOP introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To enhance the management of public lands, reduce Federal expenditures associated with such lands, and empower States with respect to the ownership and control over lands that are or have been part of the public domain, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be referred to as the “Public Land  
4       Emancipation and Management Improvement Act”.

5       SEC. 2. Effective on January 1, 1998, all right, title,  
6       and interest in and to any real property owned by the  
7       United States that is or has been at any time part of the

1 public domain, including, but not limited to, lands that  
2 have been withdrawn or disposed of and reacquired, is  
3 vested by operation of law in the State in which such prop-  
4 erty is located subject only to the limitations set forth in  
5 section 3 of this Act and any valid existing rights.

6 SEC. 3. For the purposes of this Act, the definition  
7 of real property shall exclude—

8 (a) any lands or interests therein owned by the  
9 United States as of January 1, 1998, within the ex-  
10 terior boundaries of any unit of the National Park  
11 System;

12 (b) any lands or interests therein which the  
13 United States holds title to in trust for the benefit  
14 of a federally recognized Indian Tribe, a member  
15 thereof, or an individual allottee;

16 (c) such lands as the President shall have iden-  
17 tified for continued Federal retention, except that  
18 the total of all lands and interests therein identified  
19 pursuant to this subsection, when combined with any  
20 other lands or interests therein owned by the United  
21 States, excluding only lands included under sub-  
22 section (b) or (d) of this section, may not exceed 20  
23 percent of the total acreage within any given State;  
24 and

1           (d) any lands or interests therein which the  
2       Governor of the State in which such lands are lo-  
3       cated does not wish to have transferred pursuant to  
4       this Act and which the Governor has identified in  
5       writing to the President prior to January 1, 1998 as  
6       not subject to transfer.

7       SEC. 4. Not later than January 1, 1997, the Presi-  
8       dent shall prepare a comprehensive inventory of all real  
9       property owned by the Federal Government within each  
10      of the several States and transmit such list to the Gov-  
11      ernor of each State and shall accompany such list with  
12      an identification of all real property which meets the re-  
13      quirements of subsection 3 (a) or (b) or which have been  
14      identified for continued Federal retention under sub-  
15      section 3(c).

16      SEC. 5. In the event that the identification of real  
17      property under section 3(c) exceeds 20 percent of the total  
18      acreage within a State, the Governor of the State may  
19      bring an action to modify the list of lands in any Federal  
20      district court within such State. Review shall be limited  
21      solely to whether the acreage exceeds 20 percent of the  
22      total acreage within the State. If the court concludes that  
23      the acreage contained in the listing prepared pursuant to  
24      subsection 3(c) does exceed 20 percent, then the court  
25      shall exclude such acreage as is necessary to reduce the

1 total to no more than 20 percent. The acreage to be ex-  
2 cluded shall be based solely on a priority list furnished  
3 by the Governor. The list shall be final and shall not be  
4 subject to any review or modification.

5 SEC. 6. For the purpose of this Act, the term “State”  
6 shall include the several States of the Union, the Common-  
7 wealth of Puerto Rico, Guam, the Commonwealth of the  
8 Northern Mariana Islands, American Samoa, and the Vir-  
9 gin Islands.

10 SEC. 7. The Federal Government shall remain strictly  
11 liable for the costs of any cleanup associated with hazard-  
12 ous materials or contamination associated with any lands  
13 transferred pursuant to this Act.

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